

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW MEXICO**

**CHRIS ARCHIBEQUE,**

Plaintiff,

CIVIL NO. 10-483 MCA/LFG

**CITY OF ALBUQUERQUE  
FIRE DEPARTMENT et al.,**

Defendants.

**ORDER ADOPTING MAGISTRATE JUDGE'S REPORT AND  
RECOMMENDATION FOR DISMISSAL WITH PREJUDICE**

**THIS MATTER** is before the Court on the Magistrate Judge's *Report and Recommendation for Dismissal with Prejudice* [Doc. 101], filed June 27, 2011. The parties were notified that objections were due within 14 days of service of the recommended disposition, and that if no objections were filed, no appellate review would be allowed. [See id. at 1 n.1]. This Court has conducted a review of the entirety of this case, including the Magistrate Judge's *Report and Recommendation for Dismissal with Prejudice*.

On July 11, 2011, Plaintiff filed a motion seeking, among other things, to extend the time in which to file objections. [See Doc. 11]. The Magistrate Judge granted the motion by *Order* entered July 12, 2011, and afforded Plaintiff until July 26, 2011 to file any objections. [See Doc. 112]. Judge Garcia's order granting an extension of time to file objections provided a *date certain* for compliance with his order. To this date, no objections have been filed, and the time for filing has passed.

In the Tenth Circuit, there exists “a firm waiver rule when a party fails to object to the findings and recommendations of the magistrate judge.” Casanova v. Ulibarri, 595 F.3d 1120, 1123 (10th Cir.2010). That rule holds that “the failure to make timely objection waives appellate review of both factual and legal questions.” Id. Further, this Court, after careful consideration of the matter, hereby adopts the Magistrate Judge’s findings. Plaintiff’s conduct throughout the course of this litigation is troubling to this Court; the record before the Court demonstrates that Plaintiff has failed to abide by multiple Court orders and the record further suggests that he has not acted in good faith and candor.

**IT IS, THEREFORE, HEREBY ORDERED** that the Magistrate Judge’s *Report and Recommendation for Dismissal with Prejudice* [Doc. 101] is adopted by the Court, and this cause is dismissed with prejudice.

**SO ORDERED** this 27<sup>th</sup> day of July, 2011, in Albuquerque, New Mexico.



M. CHRISTINA ARMIJO  
UNITED STATES DISTRICT JUDGE